

**CALENDAR ITEM
C45**

A)	08/20/10
) Statewide	W 6005.122
S)	PRC 8391
	PRC 8392
	PRC 8394
	PRC 8345
	PRC 8536
	PRC 8855
	R. Greenwood

**CONSIDER APPROVAL OF NON-EXCLUSIVE GEOPHYSICAL
SURVEY PERMITS ON TIDE AND SUBMERGED LANDS
UNDER THE JURISDICTION OF THE
CALIFORNIA STATE LANDS COMMISSION**

APPLICANTS:

Fugro Pelagos, Inc.
Attn.: Mr. David Millar
3738 Ruffin Road
San Diego, CA 92123-1812

Fugro West, Inc.
Attn.: Mr. Robin Villa
4820 McGrath Street, Suite 100
Ventura, CA 93003

United States Geological Survey
Coastal and Marine Team
Attn.: Mr. George Tate
400 Natural Bridges Drive
Santa Cruz, CA 95060

David Evans and Associates, Inc.
Attn.: Mr. Jonathan Dashler
2801 SE Columbia Way, Suite 130
Vancouver, WA 98661

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Ecosystems Management Associates, Inc.
Attn.: Dr. Hany El Wany, PhD
2166 Avenida De La Playa, Suite E
La Jolla, CA 92037

Applied Signal Technology, Inc.
Attn.: Mr. William Van Fleet III
460 West California Avenue
Sunnyvale, CA 90486

BACKGROUND:

Fugro Pelagos, Inc., Fugro West, Inc., United States Geological Survey, David Evans and Associates, Inc., Ecosystems Management Associates, Inc., and Applied Signal Technology, Inc. have applied for a continuation of existing low energy statewide offshore Geophysical Permits for the one year period from October 1, 2010 to September 30, 2011, within Regions I, II, III, and IV as designated on Exhibit A, attached hereto. These permits are issued to qualified companies to perform geophysical surveys of the ocean bottom as part of geotechnical investigations of nearshore sand erosion and deposition, optic cable routes, oil and gas pipeline routes, marine facility sea bottom changes, seafloor hazards and debris, and location of sunken boats and airplanes. These low energy surveys utilize equipment such as side scan sonar and magnetometers, which use no more than two kilojoules of energy. Air guns and other sources of high energy are expressly prohibited in the permit. Upon request, the California State Lands Commission will receive copies of all data derived from any and all surveys under the permit.

Recently published studies indicate a potential for impact of seismic surveys on fish, marine mammals, and marine reptiles. These studies are based on frequency and sound pressure levels, which are also the basis for the standards used by NOAA's National Marine Fisheries Service (NMFS) in waters under the jurisdiction of the Bureau of Ocean Energy Management, Regulation, and Enforcement (BOEMRE). Since the current Commission permits are based on energy levels, staff is recommending that a review of these recently published studies on frequency and sound pressure levels be conducted. Therefore, staff is recommending a one year continuation of the existing permits held by the aforementioned companies at this time to enable the review of these more recent studies and to determine if preparation of a new CEQA document is warranted.

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TERMS OF PROPOSED PERMIT:

October 1, 2010 through September 30, 2011.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Required fees, expense deposit, and other security have been received.

STATUTORY AND OTHER REFERENCES:

- A. Public Resources Code section 6826
- B. Public Resources Code section 21080(c)
- C. Public Resources Code section 6870
- D. California Code of Regulations, Title 2, Article 2.9, section 2100
- E. California Code of Regulations, Title 14, section 15074

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and State CEQA Guidelines (Title 14, California Code of Regulations, section 15025), the staff has prepared a Proposed Mitigated Negative Declaration identified as CSLC ND No. 358, State Clearinghouse No. 84020113. The Mitigated Negative Declaration was prepared and circulated for public review pursuant to the provisions of CEQA. The Commission adopted the Mitigated Negative Declaration on May 24, 1984, for the program under which issuance of these permits is proposed.
2. Based upon the Initial Study, the Mitigated Negative Declaration, and the comments received in response thereto, there was no substantial evidence that the program would have a significant effect on the environment; Title 14, California Code of Regulations, section 15074(b).
3. On October 5, 1987, the Commission considered applications for general geophysical permits. The Commission found that new information; obtained after the May 24, 1984 Mitigated Negative Declaration revealed that use of geophysical equipment emitting strong acoustic pulses may cause significant adverse effects upon the environment and that approval of a permit allowing use of such equipment required preparation of an environmental impact report. However, the Commission also found that no new information revealed any substantial evidence that use of passive equipment or low acoustic pulse-generating equipment, such as side-scan sonar and magnetometer, would have a significant effect on the environment. Based upon the May 24, 1984 Mitigated Negative Declaration, the Commission approved the issuance of permits that

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provided for the use of equipment that has no more than two kilojoules of energy input.

4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through CEQA review process, it is the staff's opinion that the permit, as part of the program for the project as proposed, is consistent with its use classification.

EXHIBIT:

- A. Permit Regions

PERMIT STREAMLINING ACT DEADLINE:

October 1, 2010

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDINGS:

1. Find that a Mitigated Negative Declaration, CSLC MND No. 358, State Clearinghouse No. 84020113, was prepared for the program pursuant to the provisions of the CEQA and was adopted by the Commission on May 24, 1984.
2. Find that the Commission reviewed and considered the information contained in the Mitigated Negative Declaration and the comments received in response thereto.

SIGNIFICANT LANDS:

Find that this activity, as approved, will not have a significant effect on the environment and that it is consistent with the Use Classification designated by the Commission for the land pursuant to Public Resources Code Sections, 6370, et seq.

AUTHORIZATION:

Authorize issuance of Non-Exclusive Geophysical Survey Permits to conduct low energy geophysical surveys from October 1, 2010, through September 30, 2011, within Permit Regions I, II, III, and IV as designated on Exhibit A, attached hereto, to Fugro Pelagos, Inc., Fugro West, Inc.,

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United States Geological Survey, David Evans and Associates, Inc.,
Ecosystems Management Associates, Inc., and Applied Signal
Technology, Inc.